

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL, APRIL  
MUNIZ, HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, and JOHN DOE

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES ALEX  
FIELDS, JR., VANGUARD AMERICA,  
ANDREW ANGLIN, MOONBASE  
HOLDINGS, LLC, ROBERT “AZZMADOR”  
RAY, NATHAN DAMIGO, ELLIOTT  
KLINE a/k/a ELI MOSELEY, IDENTITY  
EVROPA, MATTHEW HEIMBACH, MATTHEW  
PARROTT a/k/a DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS, LEAGUE  
OF THE SOUTH, JEFF SCHOEP, NATIONAL  
SOCIALIST MOVEMENT, NATIONALIST  
FRONT, AUGUSTUS SOL INVICTUS,  
FRATERNAL ORDER OF THE ALT-KNIGHTS,  
MICHAEL “ENOCH” PEINOVICH, LOYAL  
WHITE KNIGHTS OF THE KU KLUX KLAN,  
and EAST COAST KNIGHTS OF THE KU KLUX  
KLAN a/k/a EAST COAST KNIGHTS OF THE  
TRUE INVISIBLE EMPIRE,

Defendants.

**SUPPLEMENTARY BRIEF REGARDING FEASIBILITY OF TRIAL OCTOBER 15 –  
NOVEMBER 19, 2021 AT CHARLOTTESVILLE COURTHOUSE**

COMES NOW JAMES ALEX FIELDS, by and through Counsel, files this, his  
supplemental brief regarding the feasibility of conducting the trial as scheduled, and in support  
thereof, states as follows:

1. What is an optimal and manageable footprint for the litigants, attorneys and staff for each side in the courtroom?

Counsel intends to file a motion asking the Court transport Fields to trial for the duration of the trial. Pending the outcome of that motion, Fields and counsel or counsel alone will be the lone representative at trial. Fields suggests that given the number of litigants (represented and unrepresented) and at least four defense counsel on the defense side that counsel table will not be sufficient. As such, Fields requests the Court clear at least five rows of the gallery on Defendant's side of the courtroom for defense counsel, litigants, and documents/file materials.

Further, Fields, by counsel, suggests that all media and observers should be remote in another room in the courthouse and permitted to observe via video feed conducted only by employees and IT staff of the Western District of Virginia. Outside public observation raises security risks and will only heighten and inflame the circumstances of the trial and possibly make it more difficult to seat a jury in Charlottesville.

2. What is an efficient and manageable footprint of the trial *in the courthouse*?

Given the narrow hallways and limited elevator and stair access to the Court, Fields is unsure of how this can be safely accomplished in the Charlottesville Courthouse. Should the Court desire to maintain both the current trial date and location, we suggest alternate entrances/exits for counsel and litigants and perhaps staggered timing of the entry of counsel and litigants prior to admission of press and members of the public. For example, if litigants and counsel were permitted entry half an hour prior to members of the public or press entry to the Charlottesville Courthouse.

Fields is amenable to a joint defense breakout room. Fields opposes any third party vendors or other parties operating any audio/video equipment for video access to the proceedings in the Charlottesville Courthouse other than employees of the Western District of Virginia. We further oppose any video access to the proceedings beyond the premises of the courthouse, as this would only increase safety and security concerns for all involved.

While in the criminal context, Courts have found that partial closures due to COVID-19 and similar issues do not require constitutional scrutiny and “that the Court merely need find a substantial reason for the partial closure.” *United States v. Fortson* 2020 U.S. Dist. LEXIS 142500, \* 3, 4 (D. Ala. 2020). As there is no Constitutional issue present here in this civil matter and the number of parties and counsel as well as witnesses and court personnel are large, Fields requests that the Court permit only attendance by press and public in a separate viewing room or rooms in the courthouse.

3. Reflecting the considerations above and other relevant considerations, whether the Charlottesville Federal Courthouse is the best equipped and most suitable courthouse at which to hold this trial.

Fields, by counsel, believes that due to size, space, security, access and other considerations, the Lynchburg (ideally) or Roanoke Federal Courthouses would be better equipped and more suitable to hold this trial. To the extent Plaintiffs argue that there are financial considerations due to travel reservations previously made, this is irrelevant and should not be considered by the Court in this determination. The health and safety of trial participants, court personnel, the public, and the jury must be the primary concern.

4. Steps that have been and can be taken in a pretrial posture, either by way of meet-and-confer with the opposing parties, or under the auspices of the magistrate judge, to narrow the issues in genuine dispute and to enter into stipulations as to agreed facts.

Fields, by counsel, has had extensive discussions with Plaintiffs’ counsel and reached agreement on stipulations to authenticity and foundation of hundreds of documents in order to narrow the disputes at trial and avoid witnesses for mere foundation of various documents. Until witness and exhibit lists are exchanged, counsel cannot fully prepare for issues such as duplicative and redundant documents and repetitive testimony of witnesses. Following the exchange of witness and exhibit lists, Fields suggests a meet-and-confer followed by a virtual or telephonic hearing to resolve such issues.

Wherefore, Fields asks this Court exercise its discretion and facilitate a safe, fair, efficient, and expeditious trial as the Court sees fit.

Respectfully submitted,

JAMES ALEX FIELDS, JR.

By Counsel

/S/  
David L. Hauck, Esquire (VSB# 20565)  
David L. Campbell, Esquire (VSB #75960)  
DUANE, HAUCK, DAVIS, GRAVATT &  
CAMPBELL  
100 West Franklin Street  
Richmond, Virginia 23220  
Telephone: 804-644-7400  
Facsimile: 804-303-8911  
dcampbell@dhdglaw.com  
*Counsel for Defendant James A. Fields, Jr.*

CERTIFICATE OF SERVICE

I hereby certify that on 11<sup>th</sup> day of June, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Robert T. Cahill, Esquire  
Cooley, LLP  
11951 Freedom Drive, 14<sup>th</sup> Floor  
Reston, Virginia 20190-5656  
*Counsel for Plaintiff*

Roberta A. Kaplan, Esquire  
Julie E. Fink, Esquire  
Christopher B. Greene  
Kaplan & Company, LLP

350 Fifth Avenue, Suite 7110  
New York, New York 10118

Karen L. Dunn, Esquire  
William A. Isaacson, Esquire  
Boies Schiller Flexner LLP  
1401 New York Ave, NW  
Washington, DC 20005

Philip M. Bowman, Esquire  
Boies Schiller Flexner LLP  
575 Lexington Avenue  
New York, New York 10022

Alan Levine, Esquire  
Cooley LLP  
1114 Avenue of the Americas, 46<sup>th</sup> Floor  
New York, New York 10036

David E. Mills, Esquire  
Cooley LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004

Kenneth D. Bynum, Esquire  
BYNUM & JENKINS, PLLC  
1010 Cameron Street  
Alexandria, VA 22314

Pleasant S. Brodnax, III, Esquire  
1701 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Bryan Jones, Esquire  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
*Counsel for Defendants Michael Hill, Michael Tubbs, and  
Leagues of the South*

Elmer Woodard, Esquire  
5661 US Hwy 29  
Blairs, VA 24527

and

James E. Kolenich, Esquire  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
*Counsel for Defendants Matthew Parrott, Traditionalist  
Worker Party, Jason Kessler, Vanguard America, Nathan  
Damigo, Identity Europa, Inc.*

I further certify that on June 11, 2021, I also served the following non-ECF participants,  
via regular or electronic mail as follows:

Christopher Cantwell  
#00991-509  
USP Marion  
4500 Prison Road  
PO BOX 2000  
Marion, IL 62959

Robert Azzmador Ray  
[azzmador@gmail.com](mailto:azzmador@gmail.com)

Elliott Kline  
[Eli.f.mosley@gmail.com](mailto:Eli.f.mosley@gmail.com)

Vanguard America c/o Dillon Hopper  
[Dillon\\_hopper@protonmail.com](mailto:Dillon_hopper@protonmail.com)

Matthew Heimbach  
[Matthew.w.heimbach@gmail.com](mailto:Matthew.w.heimbach@gmail.com)

Richard Spencer  
[richardbspencer@gmail.com](mailto:richardbspencer@gmail.com)

/S/  
\_\_\_\_\_  
David L. Hauck, Esquire (VSB# 20565)  
David L. Campbell, Esquire (VSB #75960)  
DUANE, HAUCK, GRAVATT & CAMPBELL  
100 West Franklin Street  
Richmond, Virginia 23220  
Telephone: 804-644-7400  
Facsimile: 804-303-8911  
[dcampbell@dhdglaw.com](mailto:dcampbell@dhdglaw.com)  
*Counsel for Defendant James A. Fields, Jr.*